THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

)	
Investigation Pursuant to G.L. c. 164 §§ 1A(a), 1B(d), 94)	
and 220 C.M.R. § 11.04 into Costs that Should be Included)	D.T.E. 03-88D
in Default Service Rates of Fitchburg Gas and Electric)	
Light Company)	
• •)	

MOTION OF FITCHBURG GAS AND ELECTRIC LIGHT COMPANY FOR PROTECTIVE TREATMENT

NOW COMES Fitchburg Gas and Electric Light Company d/b/a Unitil ("Unitil") and respectfully requests that the Department of Telecommunications and Energy ("Department") grant it protection from public disclosure for certain confidential and competitively **sensitive** information submitted in discovery responses made by Unitil, in accordance with **G.L.** c. 25, § 5D. In support of this Motion, Unitil states:

- 1. Unitil requests protection from public disclosure the following information: The detail on the invoices of Unitil's Renewable Energy Certificate ("REC") purchases provided in response to data request AG-FGE-1-4, consisting of the quantity of RECs purchased, the unit purchase price, and the entity purchased from. A redacted version of the invoices is being filed with the Secretary of the Department, and provided to the individuals on the enclosed service list.
- 2. G.L. c. 25, § 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides:

[T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need

has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

3. Unitil submits that the provisions of this filing described above should be protected from public disclosure because this information is competitively sensitive information concerning Unitil's REC purchases and purchase strategies. This information is normally not disclosed by Unitil, and Unitil takes steps to protect this information from public disclosure. This information reveals data and detail concerning Unitil's REC costs and may enable sellers of RECs to use this normally undisclosed information to Unitil's disadvantage. Unitil submits that this information is well within the scope of "confidential, competitively sensitive or other proprietary information" contemplated by G.L. c. 25, § 5D, and accordingly, should be protected from public disclosure.

WHEREFORE, for all the reasons set forth in this Motion, Unitil respectfully requests that the Department issue an Order granting protective treatment to the provisions of the filing described above.

Respectfully submitted,

Certificate

I certify that copies of this Motion for Protective Treatment has been served this 22nd day of March, via overnight express mail, upon the Massachusetts Office of the Attorney General, and by regular U.S. Mail upon the attached service list.

DTE 03-88 D Service List

Attorney General of the Commonwealth Colleen McConnell, Assistant Attorney General **Utilities Division** 200 Portland Street, 4th Floor Boston, MA 02114 Colleen.McConnell@ago.state.ma.us

Division of Energy Resources Diane A. Langley, Deputy General Counsel 70 Franklin Street, 7th Floor Boston, MA 02110 Diane.Langley@state.ma.us

MASSCAP Jerrold Oppenheim 57 Middle Street Gloucester, MA 01930-5736 JerroldOpp@DemocracyAndRegulation.com

Centrica North America John A. DeTore, Esq. Christopher H. Kallaher, Esq. Rubin and Rudman LLP 50 Rowes Wharf Boston, MA 02110 Jdetore@rubinrudman.com Ckallaher@rubinrudman.com

Patrick G. Jeffery Vice President, Government Affairs Centrica North America 263 Tresser Blvd. One Stamford Plaza, 9th Floor Stamford, CT 06901

Patrick.jeffery@na.centrica.com

Associated Industries of Massachusetts Robert Ruddock, General Counsel Angela M. O'Connor, Vice President - Energy Programs 222 Berkeley Street, 13th Floor Boston, MA 02117-0763 rrr@aimnet.org; aoconnor@aimnet.org

Constellation NewEnergy, Inc.

Thomas E. Bessette, Esq.

Director - Regulatory and Government Affairs 800 Boylston Street, 28th Floor Boston, MA 02199

Tom.bessette@constellation.com

Dominion Retail, Inc. Gary A. Jeffries, Esq. 625 Liberty Avenue, Suite 700 Pittsburgh, PA 15222-3199 Gjeffries@dom.com

John A. DeTore, Esq. Christopher H. Kallaher, Esq Rubin and Rudman LLP 50 Rowes Wharf Boston, MA 02110

Jdetore@rubinrudman.com; Ckallaher@rubinrudman.com

Select Energy, Inc.
Frederick Lee Klein, Esq.
Jonathon Gordon, Manager, Market Analysis
107 Selden Street
Berlin, CT 06037

kleinfl@nu.com; Gordoja@selectenergy.com

Boston Edison Company Cambridge Electric Light Company Commonwealth Electric Company Robert N. Werlin, Esq. Keegan, Werlin & Pabian 265 Franklin Street Boston, MA 02110-3113

Rwerlin@kwplaw.com

Massachusetts Electric Company and Nantucket Electric Company Amy G. Rabinowitz, Esq. 25 Research Drive Westborough, MA 01582-0099 Amy.rabinowitz@us.ngrid.com

Western Massachusetts Electric Company Stephen Klionsky, Esq., Don Bishop, Manager, Regulatory Affairs 100 Summer Street, 23rd Floor Boston, MA 02110-2131

Klionsh@nu.com; bishodm@nu.co